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Congress of the United States
House of Representatives
Washington, DC 20515-3222

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SUBCOMMITTEES:
DEFENSE

INTERIOR, ENVIRONMENT, AND
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JOINT ECONOMIC COMMITTEE

December 9, 2011

The Honorable Carl Levin
Chairman
U.S. Senate
Committee on Armed Services
Washington, DC 20510

The Honorable Howard "Buck" McKeon
Chairman
U.S. House of Representatives
Committee on Armed Services
Washington, D.C. 20515

The Honorable John McCain
Ranking Member
U.S. Senate
Committee on Armed Services
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
U.S. House of Representatives
Committee on Armed Services
Washington, D.C. 20515

Dear Chairman Levin, Senator McCain, Chairman McKeon, and Representative Smith:

As you work to resolve differences between the House and Senate versions of the Fiscal Year 2012 National Defense Authorization Act (NDAA), I urge you to retain Sec. 827, "Applicability of Buy American Act to Procurement of Photovoltaic Devices by Department of Defense," in the Senate-passed NDAA bill, S.1867. This amendment was approved by unanimous consent in the Senate and a similar provision was included in the House version of the bill with bipartisan support (Sec. 842).

The language in the FY12 NDAA would take positive steps to strengthen and clarify current law. Both the Senate and House provisions expand on Sec. 846 of the FY11 NDAA, which I authored in the 111th Congress. Unfortunately, the spirit of this provision has not been followed. In the past year, the Department has signed a number of various energy purchase contracts that could still utilize foreign-manufactured solar panels. Rather than supporting China's growing solar industry, it is my strong belief that these contracts should support American solar manufacturers and American jobs whenever possible.

As co-chair and co-founder of the House's Defense Energy Security Caucus, I have had ample opportunity to discuss the necessity of energy security with Department of Defense officials. The Department knows the importance of implementing photovoltaic solar arrays at our military facilities. It is in our national security and economic interest that these contracts comply with the Buy American Act.

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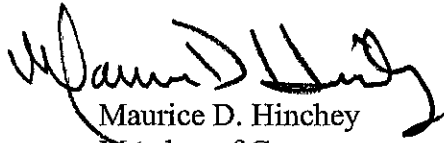
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I deeply appreciate your leadership on this issue and ask that you maintain this critical section while you work to resolve differences in between the House and Senate bills in conference.

Sincerely,



Maurice D. Hinchey
Member of Congress